

Scott D. Bergin
Richard R. DuVall
Lance N. Portman
Matthew V. Mirabile
Kimberly Hunt Lee
Rebecca M. Blahut
Thomas J. Cummings
Tinamarie Fisco
Nicholas Tarkazikis
Michael P. Towey



Of Counsel
David L. Posner
Ellen L. Baker
Richard J. Olson
Hon. Albert M. Rosenblatt
James Kimmel
James E. Nelson, Jr.

John E. Mack 1874-1958
Joseph A. McCabe 1890-1973
Edward J. Mack 1910-1998
Joseph C. McCabe 1925-1981
J. Joseph McGowan 1936-2022

Direct Dial: (845) 486-6894
E-mail: klee@mccm.com
April 11, 2024

VIA ECF
Hon. Cathy Seibel
The Hon. Charles L. Brieant, Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

RE: Velez v. Dutchess County
7:23-cv-04758-CS/VR
Our File No. 5050-227

Dear Judge Seibel:

Please accept this as defendant's response to the court's directive at Dkt. No. 36. The plaintiff has provided defendant with responses to his document demand and demand for interrogatories. Plaintiff has also provided authorizations which have been processed however, as of this filing, no medical records have been received. There have been issues with the authorizations, which have required us to send certain authorizations back to Mr. Velez in order to be processed. The deposition of Mr. Velez was conducted on March 25, 2024, in accordance with the scheduling order despite the fact we did not have any medical records.

Based on the depositions and the responses that plaintiff has provided, defendant will withdraw his motion for sanctions. We respectfully request a 45-day extension of the discovery schedule in light of the outstanding medical records. According to the current schedule, the discovery deadline is April 29, 2024 and any pre-motion letter is due on April 25, 2024. We believe that in the next 45 days we should have the medical records and be able to determine if a further deposition of Mr. Velez is necessary and/or whether a physical examination is going to be required. These records are also necessary to evaluate the viability of a summary judgment motion. This is our first request for an extension of the discovery schedule.

Respectfully yours,

McCABE & MACK LLP
Kimberly Hunt Lee
KIMBERLY HUNT LEE
KHL/dmf

cc: Michael Velez, *Pro Se*

The motion for sanctions (ECF No. 29) is denied as withdrawn.
The Clerk shall terminate ECF No. 29.

The application for an extension of discovery is granted. The fact discovery cutoff is extended to 6/13/24. The next conference will be 7/2/24 at 10:15 am. Pre-motion letter(s), if any, due 6/11/24, with response(s) due 6/25/24.

SO ORDERED.

Cathy Seibel
CATHY SEIBEL, U.S.D.J.

4/11/24